

PROOF

STATE OF IOWA

House Journal

TUESDAY, MARCH 2, 2004

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An official corrected copy is available for reference in the office of the Chief Clerk.
(The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE HOUSE

Fifty-first Calendar Day - Thirty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 2, 2004

The House met pursuant to adjournment at 8:45 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Tim Maxa, pastor of the Lenox Presbyterian Church, Lenox. He was the guest of Representative Cecil Dolecheck from Ringgold County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Monday, March 1, 2004 was approved.

INTRODUCTION OF BILLS

House File 2410, by Cohoon, a bill for an act changing dates related to school district requests to the department of education for approval to use additional allowable growth for programs for returning dropouts and dropout prevention.

Read first time and referred to committee on **education**.

House File 2411, by Paulsen, a bill for an act defining the term "possession" for purposes of a criminal case.

Read first time and referred to committee on **judiciary**.

House File 2412, by Struyk, Quirk, Dandekar and Stevens, a bill for an act providing for a free lifetime hunting and fishing combined license for persons who are honorably discharged veterans.

Read first time and referred to committee on **natural resources**.

House File 2413, by Cohoon, a bill for an act allowing for the awarding of a cash prize at an annual raffle.

Read first time and referred to committee on **state government**.

[House File 2414](#), by Granzow, a bill for an act requesting the supreme court to convene a study to consider issues relating to the functions performed by mental health patient advocates.

Read first time and referred to committee on **judiciary**.

[House File 2415](#), by Cohoon, a bill for an act concerning the number of allowable electrical and mechanical amusement devices at a single location.

Read first time and referred to committee on **state government**.

[House File 2416](#), by Hunter, a bill for an act relating to veterans, concerning employment preference and other related benefits.

Read first time and referred to committee on **state government**.

[HOUSE FILE 2218](#) REREFERRED

The Speaker announced that [House File 2218](#), previously referred to committee on **state government** was rereferred to committee on **judiciary**.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 2nd day of March, 2004: House Files 401 and 2180.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

GOVERNOR'S VETO MESSAGE

March 1, 2004

The Honorable Jeff Lamberti
President of the Senate
State Capitol Building
L O C A L

Dear President Lamberti:

I hereby transmit [Senate File 344](#), and Act relating to a monetary limit on an appeal bond and providing an applicability date.

I am unable to approve [Senate File 344](#) in its entirety. This bill maintains the bonding requirement at the level of 110 percent and establishes a capped bonding amount at \$25 million. The current supersedes bond requirement protects the interests of non-appealing parties by requiring that a party who seeks to stay the execution of a judgment must demonstrate that all costs, interest lost, and damages resulting from an appeal can be recovered. [Senate File 344](#) undermines that level of protection afforded to judgment holders under Iowa law by creating a capped bonding system. The \$25 million cap would provide judgment holders with grossly inadequate security coverage during the pendency of their appeal. Moreover, the cap would disturb the current balance of rights between judgment holders and those seeking to stay the execution of a judgment on appeal.

Nevertheless, the State of Iowa should also look after the interests of those seeking to stay the execution of a judgment on appeal. The State could adequately protect their interests by simply providing a district court judge the discretion to stay a judgment pending appeal upon a showing that a bond amount less than 110 percent is reasonable or that extraordinary circumstances exist. In considering whether a stay is necessary, the district court should weigh the interests of both parties, including the financial hardship on both the appellant and the appellee. However, in this showing, the appellant should bear a heavy burden.

A balance of rights between judgment holders and those seeking to stay the execution of a judgment on appeal is essential to our judicial system. [Senate File 344](#) and its \$25 million cap fall well short of that stability and serves as a detriment to judgment holders. In the alternative, instituting a judicial review process will preserve the current sense of balance while allowing discretion for unique circumstances.

For the above reasons, I respectfully disapprove [Senate File 344](#) in accordance with Article 3, Section 16 of the Constitution of the State of Iowa. In this effort, I am willing to work with our legislature in passing a bill that will establish this proper balance.

Sincerely,
Thomas J. Vilsack
Governor

COMMUNICATIONS RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

IOWA NATIONAL GUARD – DEPARTMENT OF DEFENSE

Iowa Communication Network report of savings for calendar year 2003, pursuant to Chapter 8D.10, Code of Iowa.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

- 2004\598 Travis Eggers, Luana – For being the Class 2-A District Wrestling Champion.
- 2004\599 Donnie and Rita Larson, Elkader – For celebrating their 50th wedding anniversary.
- 2004\600 Violet Anderson, Elgin – For celebrating her 80th birthday.
- 2004\601 Leila Boddicker, Vinton – For celebrating her 85th birthday.
- 2004\602 Harold Ness, Rembrandt – For celebrating his 80th birthday.
- 2004\603 Lloyd and Rosie Senne, Spencer – For celebrating their 50th wedding anniversary.
- 2004\604 Don and Kathy Odendahl, Spencer – For celebrating their 60th wedding anniversary.
- 2004\605 Lee and Gertrude Lorenz, Wahpeton – For celebrating their 65th wedding anniversary.
- 2004\606 Bob and Jean Ostert, West Union – For celebrating their 50th wedding anniversary.
- 2004\607 Leota Kane, Oelwein – For celebrating her 83rd birthday.
- 2004\608 Hilda Kasemeier, Sumner – For celebrating her 91st birthday.
- 2004\609 Meghan Naber, Spirit Lake – For attaining the Girl Scout Gold Award, the highest award in Girl Scouting.
- 2004\610 Elizabeth Alspach, Spirit Lake – For attaining the Girl Scout Gold Award, the highest award in Girl Scouting.
- 2004\611 Tricia Blum, Spirit Lake – For attaining the Girl Scout Gold Award, the highest award in Girl Scouting.
- 2004\612 Molly Livingston, Spirit Lake – For attaining the Girl Scout Gold Award, the highest award in Girl Scouting.
- 2004\613 Allison Michelson, Spirit Lake – For attaining the Girl Scout Gold Award, the highest award in Girl Scouting.

- 2004\614 Norman and Verda Baird, Fairfield – For celebrating their 50th wedding anniversary.
- 2004\615 Dick and Lorri Simmons, Fairfield – For celebrating their 50th wedding anniversary.
- 2004\616 William and Lois Schurr, Bettendorf – For celebrating their 50th wedding anniversary.
- 2004\617 Kenneth and Roberta Schmerbach, Guttenberg – For celebrating their 50th wedding anniversary.
- 2004\618 Robert Rasing, Davenport – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2004\619 Joyce and Don Peterson, Chariton – For celebrating their 50th wedding anniversary.
- 2004\620 Barb and Jim Steinbach, Chariton – For celebrating their 50th wedding anniversary.
- 2004\621 Wilma McVey, Russell – For celebrating her 90th birthday.

SUBCOMMITTEE ASSIGNMENTS

[House File 2258](#)

Appropriations: Dix, Chair; Bell and Jenkins.

[House File 2291](#)

Appropriations: Huseman, Chair; Chambers and Petersen.

[House File 2321](#)

Appropriations: Horbach, Chair; Dandekar and Dolecheck.

[House File 2326](#)

Appropriations: Dix, Chair; Jenkins and Reasoner.

[House File 2330](#)

Commerce, Regulation and Labor: Jenkins, Chair; Ford and Manternach.

[House File 2349](#)

Appropriations: De Boef, Chair; Mertz and Roberts.

[House File 2356](#)

Local Government: Arnold, Chair; Hanson and Olson, D.

[House File 2376](#)

Commerce, Regulation and Labor: Connors, Chair; Horbach and Jenkins.

[House File 2386](#)

Judiciary: Dennis, Chair; Boal and Greimann.

[House File 2388](#)

Judiciary: Heaton, Chair; Baudler and Jochum.

[House File 2405](#)

Natural Resources: Arnold, Chair; Rasmussen and Taylor, D.

[House File 2410](#)

Education: Chambers, Chair; Boal and Cohoon.

[House File 2411](#)

Judiciary: Paulsen, Chair; Struyk and Van Fossen, J.R.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

[House Study Bill 688](#)

Agriculture: Drake, Chair; Olson S. and Stevens.

[House Study Bill 697](#)

Agriculture: Baudler, Chair; Lalk and Swaim.

[House Study Bill 698](#)

Appropriations: Chambers, Chair; Eichhorn and Quirk.

[House Study Bill 699](#)

Education: Boal, Chair; Roberts and Stevens.

[House Study Bill 702](#)

Transportation: Klemme, Chair; Miller and Van Engelenhoven.

[House Study Bill 703](#)

Transportation: Klemme, Chair; McCarthy and Olson, S.

[House Study Bill 704](#)

Transportation: Huseman, Chair; Chambers and Lykam.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

[H.S.B. 705](#) **Education**

Requesting the Legislative Council to establish an interim study committee to examine the costs and benefits of Iowa joining the Midwestern Higher Education Compact.

[H.S.B. 706](#) **Transportation**

Authorizing establishment of a regional transit district within the unincorporated areas of certain counties and within certain cities, requiring creation of a regional transit district commission, authorizing the voluntary imposition of a regional transit property tax levy, and providing for the issuance of general obligation bonds and revenue bonds.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON ECONOMIC GROWTH

Committee Bill (Formerly [House File 2310](#)), relating to the inclusion of recreational trail development as part of projects under the vision Iowa program and the community attraction and tourism program.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 2004.

Committee Bill (Formerly [House Study Bill 647](#)), relating to investments in Iowa under the Iowa public employees' retirement system.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 2004.

Committee Bill (Formerly [House Study Bill 653](#)), relating to moneys and tax credits for economic development.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 2004.

Committee Bill (Formerly [House Study Bill 666](#)), relating to educational institutions under the university-based research utilization program.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 2004.

COMMITTEE ON EDUCATION

Committee Bill (Formerly [House File 2140](#)), relating to meeting dates by which the state board of regents must make final decisions on tuition increases for institutions of higher education under its control.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 2004.

Committee Bill (Formerly [House File 2173](#)), relating to the number of signatures required on nomination petitions for school board elections.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 1, 2004.

Committee Bill (Formerly [House Study Bill 595](#)), relating to the duties of the college student aid commission and the approval and registration of postsecondary schools by the commission, the department of education, and the secretary of state, the imposition of penalties and collection of fees by those state agencies and offices, and the authorization of the commission to garnishee loan defaulters' wages.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 1, 2004.

COMMITTEE ON JUDICIARY

Committee Bill (Formerly [House File 2118](#)), relating to the statutory duties of the commission of Latino affairs regarding Spanish language interpreter qualifications.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 2004.

Committee Bill (Formerly [House File 2166](#)), eliminating a time limit on executions of judgments and orders.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 2, 2004.

Committee Bill (Formerly [House Study Bill 530](#)), relating to child endangerment offenses resulting in the death of a child or minor and providing a penalty.

Fiscal Note is required.

Recommended **Do Pass** March 2, 2004.

Committee Bill (Formerly [House Study Bill 664](#)), relating to the revised Iowa nonprofit corporation Act and providing penalties and effective and applicability dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 2, 2004.

Committee Bill (Formerly [House Study Bill 667](#)), relating to the procedures and duties of the clerk of the district court and the judicial branch, and providing for a fee.

Fiscal Note is required.

Recommended **Amend and Do Pass** March 2, 2004.

COMMITTEE ON NATURAL RESOURCES

Committee Bill (Formerly [House Study Bill 628](#)), relating to the issuance of free deer and wild turkey hunting licenses to certain landowners and other persons.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 1, 2004.

COMMITTEE ON STATE GOVERNMENT

Committee Bill (Formerly [House Study Bill 129](#)), providing for licensure requirements relating to the practice of athletic training and increasing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 2, 2004.

RESOLUTIONS FILED

[HCR 114](#), by Shoultz, Mascher, Eichhorn and Roberts, a concurrent resolution memorializing Stephen Garst of Coon Rapids, Iowa.

Laid over under **Rule 25**.

[HR 123](#), by Wilderdyke, a resolution to recognize and honor Gary Guge and his work in the Iowa State University Extension Service.

Laid over under **Rule 25**.

[HR 124](#), by Wise, Foege, Connors, Murphy, Smith, Quirk, Reasoner, T. Taylor, Hunter, Oldson, Dandekar, Jacoby, Stevens, Wendt, Frevert, Greimann, Bell, D. Taylor, Shoultz, Whitaker, Hogg, Cohoon, Fallon, Struyk, Gaskill, Swaim, Huser, Winckler and Bukta, a resolution encouraging the President of the United States to take swift action to remove Rod Paige from the position of United States Secretary of Education.

Laid over under **Rule 25**.

[HR 125](#), by Foege, a resolution commemorating the sesquicentennial anniversary of Cornell College.

Laid over under **Rule 25**.

[HR 126](#), by Greimann, Heddens and Wise, a resolution to recognize the week of May 10, 2004, as Iowa Solar Energy Awareness Week.

Laid over under **Rule 25**.

AMENDMENT FILED

H-8151	H.F.	2392	D. Olson of Boone
Greimann of Story			Fallon of Polk
Ford of Polk			Gaskill of Wapello
Heddens of Story			Hogg of Linn
Kuhn of Floyd			Shoultz of Black Hawk

On motion by Gipp of Winneshiek the House adjourned at 8:50 a.m., until 8:45 a.m., Wednesday, March 3, 2004.